

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Plaintiff,

v.

Case No. 2:16-cv-13040
District Judge Avern Cohn
Magistrate Judge Anthony P. Patti

ELITE HEALTH CENTERS, INC., ELITE
CHIROPRACTIC, P.C., ELITE
REHABILITATION, INC., MIDWEST
MEDICAL ASSOCIATES, INC., PURE
REHABILITATION, INC., DEREK L.
BITTNER, D.C., P.C., MARK A. RADOM,
DEREK LAWRENCE BITTNER, D.C.,
RYAN MATTHEW LUKOWSKI, D.C.,
MICHAEL P. DRAPLIN, D.C., NOEL H.
UPFALL, D.O., MARK J. JUSKA, M.D.,
SUPERIOR DIAGNOSTICS, INC.,
CHINTAN DESAI, M.D., MICHAEL J.
PALEY, M.D., DEARBORN CENTER
FOR PHYSICAL THERAPY, L.L.C.,
MICHIGAN CENTER FOR PHYSICAL
THERAPY, INC., and JAYSON ROSETT

Defendants.

**ORDER RESOLVING STATE FARM MUTUAL'S MOTION FOR ORDER
TO SHOW CAUSE AS TO WHY ANTONIO SPRATT SHOULD NOT BE
HELD IN CONTEMPT (DE 379), VACATING THE SHOW CAUSE
ORDER (DE 414), AND ORDERING ANTONIO SPRATT TO APPEAR
FOR HIS DEPOSITION**

On or about January 10, 2019, Plaintiff State Farm Mutual Automobile Insurance Company (“State Farm”) filed a motion to show cause against

non-party Antonio Spratt (“Spratt”) for his failure to: (a) appear at his October 30, 2018 deposition; and, (b) produce documents pursuant to a subpoena *duces tecum*. (DE 379.) On March 8, 2019, the Court entered an order directing State Farm and Spratt to appear before the Court for a show cause hearing on State Farm’s motion, at which Spratt had to explain why he should not be held in contempt. (DE 414.)

On the date set for the show cause hearing, Antonio Spratt and counsel for State Farm and the Elite Defendants appeared in my courtroom. Spratt stated that he has been attempting to secure representation, and that he had been informed that a stay had been entered in this case. Counsel for the Elite Defendants confirmed that Spratt had contacted him about representing him in this matter, and that he had previously informed Spratt about the stay. Spratt has had a total of five months in which to secure representation, and the November 16, 2018 stay was lifted on January 8, 2019. He agreed that he will attend his deposition as ordered, with or without representation, and that he will search for documents responsive to the subpoena served on him.

In light of Spratt’s communications with counsel in an attempt to secure representation in this matter, as well as the prior stay in this matter, the Court believes that a finding of contempt is not warranted at this time; however, Antonio Spratt is **ORDERED** to appear for his deposition on **April 2, 2019, at 10:00 a.m.** **at the law offices of Miller, Canfield, Paddock & Stone, 150 W. Jefferson,**

Suite 2500, Detroit, Michigan 48226. Spratt is further **ORDERED** to search for and produce, by **April 2, 2019 at 10:00 a.m.**, all documents within his *possession, custody or control* responsive to the requests in the subpoena for documents served on August 9, 2018. Failure to comply with this Order may result in an order holding Spratt in civil contempt.

IT IS SO ORDERED.

Dated: March 25, 2019

s/Anthony P. Patti

Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to parties of record on March 25, 2019, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager for the
Honorable Anthony P. Patti